

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM ANGELO LATTEN, JR,

No. 2:23-cv-01879-DAD-SCR (PC)

Plaintiff,

v.

J. BENAVIDEZ, et al.,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
DEFENDANT J. BENAVIDEZ

Defendants.

(Doc. No. 18)

Plaintiff William Angelo Latten, Jr is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 3, 2024, the previously-assigned magistrate judge issued findings and recommendations recommending that defendant J. Benavidez be dismissed from this action without prejudice. (Doc. No. 18 at 2.) Specifically, the magistrate judge concluded that plaintiff had failed to allege any facts in support of his assertion that defendant Benavidez, a supervising officer, had violated plaintiff's First and Sixth Amendment rights. (*Id.*)

The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.*)

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1 To date, no objections to the findings and recommendations have been filed, and the time in  
2 which to do so has long since passed.<sup>1</sup>

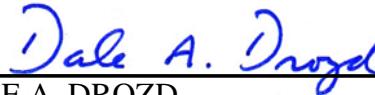
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on July 3, 2024 (Doc. No. 18) are  
8 ADOPTED in full;
- 9 2. Plaintiff's claims against defendant J. Benavidez are dismissed without prejudice;
- 10 3. The Clerk of the Court is directed to terminate defendant J. Benavidez as a named  
11 defendant in this action; and
- 12 4. This matter is referred back to the magistrate judge for further proceedings  
13 consistent with this order.

14 IT IS SO ORDERED.

15 Dated: June 25, 2025

  
DALE A. DROZD  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> On August 6, 2024, this case was reassigned from Magistrate Judge Deborah Barnes to  
22 Magistrate Judge Sean C. Riordan. (Doc. No. 22.) On September 9, 2024, the Magistrate Judge  
23 Riordan referred this case to post-screening early alternative dispute resolution and stayed this  
24 action for 120 days. (Doc. No. 25.) On February 4, 2025, the magistrate judge issued an order  
25 granting defendants' unopposed motion to opt out of post-screening early alternative dispute  
resolution and staying this action pending resolution of plaintiff's related criminal case that was  
26 pending in the Solano County Superior Court. (Doc. No. 30.) On May 16, 2025, plaintiff filed a  
27 request for entry of default judgment as to all defendants. (Doc. No. 34) The Clerk of the Court  
28 declined to grant plaintiff's request in light of the stay of this action. (Doc. No. 35.) Nothing in  
plaintiff's request provides any basis upon which to decline to adopt the long-pending findings  
and recommendations. On June 18, 2025, the magistrate judge issued an order lifting the stay of  
this action. (Doc. No. 37.)